

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated February 23, 2006.

Claims 25 and 26 are stated to be anticipated or, in the alternative, rendered obvious by JP 63-15710. In addition, claims 27 and 28 are stated to be obvious over the aforementioned JP 63-15710 document, in view of Yeol (5,983,909). Reconsideration is requested in view of the amendments to the claims herein and the following remarks.

In the apparatus of independent claim 25, the claimed controller is structured (i.e., programmed) to rotate the substrate support, to supply the ozone water from a nozzle to the spin center of the substrate, and to control the power to the UV lamps to emit the ultraviolet light to the ozone water being supplied during removal of the photoresist film, in a manner such as to cause the apparatus to generate oxygen radicals by means of the UV lamps and to remove the photoresist film from the substrate coated with the photoresist film.

The Office Action does not contend that the instant specification does not describe the controller and that the overall apparatus operates in a manner which achieves the functionality and effect recited in claim 1.

Rather, the Examiner's position is that the JP 63-15710 reference also includes a controller and the other elements of independent claim 25 and, as such, the controller of JP 63-15710 is "...fully capable of controlling the operation of UV radiating device to emit UV light to the substrate being covered with cleaning liquid, and perform all other functions as claimed by applicants."

Thus, the crux of the issue herein centers on the Examiner's (unsupported) assertion that the controller in JP 63-15710 is "fully capable" of achieving and controlling the various other claim elements to achieve the recited function.

In a large range of modern products, basic structures are common and yet the functionality and key characteristics of these products differs drastically from one another, based on the details of how their central controllers, i.e., microprocessors, are programmed. The controller of the present invention is programmed differently from the one disclosed in JP 63-15710. At the least, there is no disclosure in JP 63-15710 that its controller is programmed

to achieve the functionality and to produce radicals and/or to direct the nozzles to the precise locations as recited in the present claims.

In the applicant's view, it is simply incorrect to assume that all "controllers" are alike. Clearly they are not. The very essence and key characteristics of products differ on the basis of how their controllers are programmed to control the devices, e.g., motors levers, nozzles, etc., that they control, based on the internal programming of the various controllers.

The Office Action has not raised or suggested that applicant's disclosure is non-enabling or incomplete. And, in fact, no such criticism can be leveled against the instant specification. It is routine and highly prevalent in patent applications to illustrate a controller by a block diagram and simply state that the device controls other elements and instrumentalities of an electromechanical system to achieve a stated function. The programming of controllers is well within the reach of people of ordinary skill in the art, without undue experimentation.

In order to meet the claims, it is necessary that JP 63-15710 actually describe that its controller is programmed or otherwise structured to operate in a manner that would cause its various instrumentalities to achieve the functionality or at least work in the way that the device of the present invention is described as working. There is no case law that stands for the proposition that structural features of a controller, i.e., its internal programming, cannot be described in the specification or recited in the claims in terms of the functions that the controller performs. The dated case law previously cited by the applicant is as valid today as it was when the decision was originally issued. The law has not changed in this regard.

Since independent claim 25 is reiterated and urged again to be directed to structural differences over the prior art, and since the cited prior art has not, in fact, been established as being "capable" of performing the function of the present invention, claim 25 is asserted to be patentable over the prior art of record. The remaining dependent claims are similarly distinguishable by virtue of their being dependent on claim 25.

To summarize, in the present invention, the controller controls the apparatus components to supply ozone water to the substrate surface while spinning the substrate, and to emit ultraviolet light during removal of the photoresist film. As a result, the UV lamps produce oxygen radicals

in the ozone water, which are effective to remove the photoresist film from the substrate coated with the photoresist film.

The JP 63-15710 document contains nothing that suggests or even provides a hint that its controller should be or is in fact programmed to control the components of the device shown in JP 63-15710 to produce oxygen radicals in ozone water, to remove photoresist from the substrate coated with the photoresist film. Whether or not it would have been obvious to program the controller of the JP 63-15710 reference to do so is at the heart of the patentability issue being raised herein. Certainly, there is no disclosure in the prior art to do so, and the only guidance that to program that controller to achieve the functions at issue here, come from the present application, not from the cited reference.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 23, 2006

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May 23, 2006

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